When in 1941 Georg Schwarzenberger’s “Power Politics: Study of World Politics” came out, his fellow international lawyers reacted with consternation. The young German born Emigré who wants to establish by himself an academic reputation as an international lawyer dares to call international law in question? Even nowadays, the notion of “power politics” in international law is strongly connected with the name of Schwarzenberger. But he was not alone with his doubts about international order. Before and during the Second World War his thoughts on power politics and international law were shared by a lot of ardent young international lawyers as for example Wolfgang Friedmann who asked in 1941 frankly “What’s wrong with International Law?”.

Georg Schwarzenberger was born in Heilbronn, Germany, in 1908. His family was part of the local Jewish bourgeoisie, his parents were assimilated and politically liberal. After studies in Heidelberg, Frankfurt, Berlin and Tübingen, Schwarzenberger worked on a doctoral thesis on the Leagues Mandate for Palestine. He was supervised by Karl (Carlo) Schmid, who played an important political role in post-war Germany. Schwarzenberger started at that time an in-depth political activity for the Social Democratic Party. When in 1933 Hitler and his National-Socialist Party came into power, his prospects of any kind of professional career were destroyed. Betrayed by former friends and colleagues, Schwarzenberger was not allowed to complete his legal training and had to leave the public service shortly before the final exam. He decided to leave Germany for Great Britain and continued his international law and economic studies at the London School of Economics, hoping to obtain there a teaching post. With his “The League of Nations and International Order” he received his second doctorate in 1936. In the meantime he worked as a secretary for the New Commonwealth Institute for Justice and Peace (later: London Institute of World Affairs). This institution was founded by the philanthropic Lord Davies in order to promote his utopic ideas on the promotion of the League of Nations. Only in 1938 was Schwarzenberger appointed as a part-time lecturer in international law and relations at the University College London (UCL). After his internment as “enemy alien” in 1940, he played a major role in sustaining the law teaching at UCL during the war. Later he promoted very successfully the studies of international law at the University of London. His engagement as editor of the

* This paper is based on the author’s doctoral thesis: Georg Schwarzenberger Völkerrecht und Machtpolitik (2002). Steinle participated in a project at the Max-Planck-Institute for European Legal History in Frankfurt am Main on the History of Ideas of International Public Law in Germany between 1871-1945.
Yearbook of World Affairs, Current Legal Problems and the Library of World Affairs and his enormous list of publications show his eagerness. In 1946 he became naturalized. However, Schwarzenberger’s appointment as Professor of International Law at the University of London came very late in 1962. His delight in provoking and attacking intellectual opponents and his views of international law made him quite an outsider in the British academic mainstream. He was a member of Gray’s Inn and the International Law Association. He retired in 1975, but went on publishing. In 1986 he completed the fourth volume of his *International Law as Applied by International Courts and Tribunals*. Schwarzenberger died in 1991.

1. Power Politics as a product of the “Twenty Years’ Crisis”

Schwarzenberger’s “Power Politics” is a typical product of the “Twenty Years’ Crisis”. Young German lawyers like Hans J. Morgenthau (1904-1980), John Herz (born 1908), Gerhart Niemeyer (1907-1997) or Wolfgang Friedmann (1907-1972) were deeply disappointed by the international political development. The experience of the rise and failure of international law and of international institutions, mainly the League of Nations, shaped their view of life.

After the First World War with its dreadful battlefields and countless victims, both soldiers and civilians, the vision of Woodrow Wilson and his Fourteen Points should have led to a peaceful and better future. An overwhelming optimism in politics and science proclaimed the beginning of a modern and better international law. New international institutions like the League of Nations, the International Labour Organisation, the Permanent Court of International Justice and the Academy of The Hague seemed to point in a peaceful future of the international community. In continental Europe Hans Kelsen and Georges Scelle presented their modern concepts of international law which should take over the place of the old sovereignty-oriented views of Heinrich Triepel or Georg Jellinek. On the other side of the Channel Hersch Lauterpacht, who characterized himself as a “progressive”, was also devoted to an approach which could be described by the idea “primacy of law over politics”.

The young generation of German academics were socialized after 1914. They grew up with the encouraging development of international law, but this picture was slightly

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2 That notion was shaped by Edward H. Carr in his famous book *The Twenty Years’ Crisis* (1939).
